

Public Document Pack

**MINUTES OF A MEETING OF THE
GOVERNANCE COMMITTEE
Town Hall, Main Road, Romford
10 September 2013 (7.30 - 8.05 pm)**

Present:

COUNCILLORS

Conservative Group Frederick Thompson (Chairman), Rebecca Bennett (Vice-Chair), Robert Benham, Steven Kelly, Roger Ramsey, Michael White and +Jeffrey Brace

Residents' Group Clarence Barrett and Gillian Ford

Labour Group Keith Darvill

Independent Residents Group Jeffrey Tucker

UKIP Group +Sandra Binion

+ **Substitute Members:** Councillors Jeffrey Brace (for Michael Armstrong) and Sandra Binion (for Lawrence Webb)

The Chairman reminded Members of the action to be taken in an emergency.

Apologies for absence were received from Councillors Michael Armstrong and Lawrence Webb

There were no disclosures of pecuniary interest

8 **MINUTES**

The minutes of the meeting held on 29 May 2013 were agreed as a true record and signed by the Chairman once a minor textural change concerning item two had been agreed.

9 **REVISED PROCEDURE FOR COUNCIL QUESTIONS**

The Committee was reminded that the recent agreement about the number of questions for Council had been agreed on the basis of three Groups. Now there were four, the number of questions (15) did not work conveniently. The proposal was for either raising the number to 16 with either a fixed number for each Group or a proportional number of questions depending on Group size with a number of questions "spare" for allocation on a "first-come-first-served" basis.

Members divided into two schools of thought: questions should be apportioned either by the number of Councillors in each Group or that they should be split equally across the groups as the Group was the significant factor, not its membership.

After some discussion, three alternatives were before the Committee:

1. To accept a revised version of the proportional proposal set out in paragraph 4(b) which would give Residents' 8, Labour 3 and IRG and UKIP 2 each (15 questions in total).
2. Residents' 5, Labour 4 and IRG and UKIP with 3 each (15 questions in total) or
3. The original proposal in paragraph 4(a): Residents' 8, Labour 4 and IRG and UKIP 2 each (16 questions in total)

The matter was put to the vote:

The original proposal 4(a) for 16 questions

In favour of the motion: Councillors: Keith Darvill and Jeffrey Tucker

Against the motion: Councillors: Frederick Thompson, Becky Bennett, Steven Kelly, Roger Ramsey, Robert Benham, Jeff Brace, Clarence Barrett, Gillian Ford and Sandra Binion

Abstained: Councillor Michael White.

The motion was **LOST** by nine votes to two.

The variation giving the Residents' Group 5 votes, Labour 4 and IRG and UKIP 3 each (15 questions)

In favour of the motion: Councillors: Keith Darvill and Jeffrey Tucker

Against the motion: Councillors: Frederick Thompson, Becky Bennett, Steven Kelly, Roger Ramsey, Robert Benham, Jeff Brace, Clarence Barrett, Gillian Ford and Sandra Binion

Abstained: Councillor Michael White.

The motion was **LOST** by nine votes to two.

The revised version of paragraph 4(b) giving the Residents' Group 8, Labour 3 and IRG and UKIP 2 each (15 questions)

In favour of the motion: Councillors: Frederick Thompson, Becky Bennett, Steven Kelly, Roger Ramsey, Robert Benham, Jeff Brace, Clarence Barrett, Gillian Ford and Sandra Binion

Against the motion: Councillors: Keith Darvill and Jeffrey Tucker

Abstained: Councillor Michael White.

The motion was **CARRIED** by nine votes to two.

The Committee **RESOLVED** to **RECOMMEND** to Council that:

- 1 The maximum number of questions should remain 15

- 2 Rule 10.6(a) of the Council Procedure Rules (Notice of Questions) should be amended to read:
“A maximum of 15 questions can be submitted for a Council meeting all of which, together with any supplementary questions under Rule 10.5 will receive an oral reply at the meeting. Any questions in excess of the maximum number that are submitted will be treated as a Member enquiry and receive a written response.”
- 3 The distribution of questions should be in accordance with paragraph 4(b) – as modified by the vote – to be:
Residents’ Group 8; Labour Group 3; Independent Residents’ Group 2; and United Kingdom Independence Party 2.

10 **APPOINTMENT OF INDEPENDENT PERSON**

Members were reminded that along with the appointment of its own Independent Person (IP) – Mr Keith Mitchell who would be involved in the regulation of Members’ standards issues as set out in the Localism Act 2011, Havering Council had joined with the London Borough of Redbridge to have a reciprocal arrangement of sharing each other’s Independent Person as a deputy IP.

Originally, this had been Mr Kevin Madden, but he had sadly passed away, which meant the Redbridge had to appoint a new IP. This Redbridge had done and its IP – Sarah Cooper James – was being presented to Havering to deputise for Mr Mitchell. The Committee was asked to ratify this and recommend her appointment to Council.

Members differed in their views about this, the most significant being that they were being asked to recommend that Council appoint someone about whom they knew little – or nothing. After discussion the Committee was of the opinion that it did need to have more information about this person before it in order to make an informed decision.

The Committee asked for information concerning Ms Cooper James to be provided to it and another report to be submitted to the November meeting.

11 **PENSIONS COMMITTEES - TERMS OF REFERENCE AND CONSTITUTION**

The Committee was informed that in April 2013 the Pensions Committee had received an outline report on the creation of a Local Infrastructure Asset class. The Committee had agreed to the proposal in principal and requested that officers bring forward a report that would enable it to consider and approve the governance

arrangements. The report before the Committee was the outcome of that request.

Members considered the matter and enquired as to whether sufficient safeguards were in place and whether the returns were reasonable. A Member replied that there were stringent checks and balances in place but the biggest change was the authorisation of the Group Director Resources to be more proactive in both the receipt of recommendations for investment and its approval. The Group Director Resources could also initiate a tender process within the Council's Procurement Framework.

The Member also confirmed that the sums involved, although large, were small in comparison with those being invested on behalf of the Pension Fund being invested, but they would provide a flexible fund for stand-alone investment.

Having been reassured that the proposals were sound and consistent with prudent management, the Committee **RESOLVED to RECOMMEND** to Council that the powers of the Director of Resources be extended paragraph 3.71(e) as follows:

“(vii) To make direct investments in local infrastructure assets as part of the Pension Fund local infrastructure portfolio in consultation with the Chair of Pensions”

12 **MONITORING OFFICER'S REPORT - NR 20**

The Committee **NOTED** the amendments to the Constitution set out in the appendix to this Minute

13 **MONITORING OFFICER'S REPORT NR 21**

The Committee **NOTED** the amendments to the Constitution set out in the appendix to this Minute

14 **URGENT ITEMS**

- 1: Councillor Darvill asked the Chair leave to ask why a recent meeting of the Children's Services Corporate Parenting Committee had been cancelled at short notice. He informed the Committee that – at three and a half hours' notice - the meeting, which had some important business to discuss, was cancelled because a number of its members had been required at a call-in. He wanted to know who had decided to hold the call-in meeting at 6.00 o'clock? Had it been held at the usual

time of 7.30pm the issue would not have arisen. The situation had been exacerbated because this had been a joint call-in so two committees were involved which had made Member numbers impossible to manage. The matter had importance as it appeared to be a governance issue and there was a principle which needed to be stated: This sort of clash should not occur. He asked for an explanation and a report to come to the next meeting. Councillor Binion supported this request adding that she had asked Democratic Services to provide answers to these questions. A Member suggested that it might be prudent to wait for those answers to be provided to Councillor Binion and only if they were unsatisfactory, request a report. This view was supported by the Committee. A report would only be required if the explanation concerning the problem was deemed to be inadequate.

- 2: Councillor Tucker asked the Chairman leave to ask why the report concerning webcasting Regulatory Services was not on the agenda. He reminded the Committee the report had been deferred at the January meeting of Governance and had been removed from the agenda in March. He wanted to know when the item was going to come before the Committee again.

Members considered this briefly. One view expressed was that the report ought to come back to the Committee in November; another view was that it should not return before the 2014 local elections. The issue was put to the vote. The motion was that the report concerning the webcasting of Regulatory Services be deferred until mid 2014.

In favour of the motion: Councillors: Frederick Thompson, Becky Bennett, Steven Kelly, Roger Ramsey, Robert Benham, Michael White, Jeff Brace, and Sandra Binion

Against the motion: Councillors: Keith Darvill and Jeffrey Tucker

Abstained: Councillors Clarence Barrett and Gillian Ford.

The motion was **CARRIED** by eight votes to two.

Chairman

This page is intentionally left blank

SUBJECT: AMENDMENTS TO CONSTITUTION

Notification No. 20

Date 4th June 2013

Notification of amendments to the constitution

Amendments made by the Monitoring Officer

Part 2, Article 11.02(c) of the constitution provides that the Monitoring Officer has a limited authority to amend the constitution. The Monitoring Officer is authorised to amend the constitution to correct errors or to comply with any legal requirement or to reflect organisational changes to the Council's structure. The Governance Committee must be notified of any such amendment at the first reasonable opportunity.

In accordance with this authority, the Monitoring Officer gives notice of the following amendments to the constitution.

Part and article/ section	Page reference	Substance of amendment / amended wording	Reason for amendment
3.6.4	90	Add new paragraph (o) to read (o) To manage, supervise and control the Havering Music School	Restructure
3.4 Part 4B	126	Amend throughout constitution all the Licensing functions to be changed from "Head of Housing and Public Protection" to "Head of Regulatory Services"	Restructure
3.6.6	95	Head of Regulatory Services Planning Control Move (t) To authorise activities under the Regulation of Investigatory Powers Act 2000. from Planning Control section To immediately beneath Head of Regulatory Services after paragraph (e) (f) To authorise activities under the Regulation of Investigatory Powers Act 2000	Restructure
Whole Constitution	All	Amend throughout the Constitution "Head of Financial & Procurement" to "Head of Finance & Procurement"	Error

This page is intentionally left blank

SUBJECT: AMENDMENTS TO CONSTITUTION

Notification No. 21

Date 14th August 2013

Notification of amendments to the constitution

Amendments made by the Monitoring Officer

Part 2, Article 11.02(c) of the constitution provides that the Monitoring Officer has a limited authority to amend the constitution. The Monitoring Officer is authorised to amend the constitution to correct errors or to comply with any legal requirement or to reflect organisational changes to the Council's structure. The Governance Committee must be notified of any such amendment at the first reasonable opportunity.

In accordance with this authority, the Monitoring Officer gives notice of the following amendments to the constitution.

Part and article/ section	Page ref	Substance of amendment / amended wording				Reason for amendment
Part 2 Article 1	12	Article 1 1.03 (d) Delete from list: Best Value Performance Plan				Legalisation
Part 3, Section 1.2	40	Functions delegated to general council committees: Licensing Committee: add after "the Gambling Act 2003" and the Scrap Metal Dealers Act 2013				Legalisation change – introduction of the Scrap Metal Dealers Act 2013
Part 3, Section 3, Appendix A	113	Part 3, Section 3, Appendix A, Enactments enforceable by Environmental Health, add: Scrap Metal Dealers Act 2013 Vehicle (Crime) Act 2001 Enactments enforceable by Trading Standards Delete: Vehicle (Crime) Act 2001				Legalisation change – introduction of the Scrap Metal Dealers Act 2013
Part 3 Section 4, subsection B – Licensing and Registration Functions	136	73	Power to grant vary or renew a scrap metal dealers site licence	Section 2&3 & Sch 1 Scrap Metal Dealers Act 2013	Head of Regulatory Services, the Public Protection Divisional Manager; Licensing Committee	Legalisation change – introduction of the Scrap Metal Dealers Act 2013

Part and article/ section	Page ref	Substance of amendment / amended wording			Reason for amendment	
		74	Power to grant or vary a scrap metal collector's licence	Section 2&3 and Sch 2 Scrap Metal Dealers Act 2013	Head of Regulatory Services, the Public Protection Divisional Manager; Licensing Committee	
		75	Power to revoke a scrap metal dealers or collectors licence	Section 4 Scrap Metal Dealers Act 2013	Licensing Committee	